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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.         | CONFIRMATION NO. |
|---|-------------|----------------------|-----------------------------|------------------|
| 09/760,271  | 01/12/2001  | David N. Harris      | 0013-011P1                  | 2653             |
| 40972 7590 05/01/2007<br>HENNEMAN & ASSOCIATES, PLC<br>714 W. MICHIGAN AVENUE<br>THREE RIVERS, MI 49093 |             |                      | EXAMINER<br>ALVAREZ, RAQUEL |                  |
|   |             |                      | ART UNIT                    | PAPER NUMBER     |
|   |             |                      | 3622                        |                  |
|   |             |                      | MAIL DATE                   | DELIVERY MODE    |
|   |             |                      | 05/01/2007                  | PAPER            |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                        |                     |  |
|------------------------------|------------------------|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                              | 09/760,271             | HARRIS, DAVID N.    |  |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|                              | Raquel Alvarez         | 3622                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 23 February 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-7,9-11,23 and 24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-7,9-11,23 and 24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### DETAILED ACTION

1. This office action is in response to communication filed on 2/23/2007.
2. Claims 1-3, 5-7, 9-11, 13-21, 23 and 24 are presented for examination.

#### **Claim Rejections - 35 USC § 102**

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3, 5-7, 9-11, 13-21 and 23-24 are rejected under 35 U.S.C. 102(b) as being anticipated by blonder et al. (5,708,422 hereinafter Blonder).

Blonder teaches a computer system and corresponding computer method for verifying a commercial transaction between a user with credit card information and a merchant. A processing unit for processing data and code and a memory for storing data and said code, said data and said code comprising a merchant communications module to connect with the merchant for receiving a transaction approval request said transaction request (Figure 1, col. 2, lines 60-65; col. 4, lines 55-65, col. 5, lines 5-10), including information to identify an account holder associated with said credit card information (figure 3 ), and code further including an authorization module responsive to the transaction approval request to compare the request with the pre-verification condition said pre-verification condition defining a pre-verified circumstance when account holder verification is not needed and to verify the request if the criteria is

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satisfied (Figure 3). Blonder also teaches a plurality of verification criteria are satisfied (Figure 3), the criteria are determined by the account holder (Figure 3), receive and establish a connection with the account holder, authenticate the account holder, present at least one criteria to the account holder, and receive modification instructions from the account holder (col. 7, lines 65 to col. 9, line 30), the pre-verification criteria includes at least one merchant identifier (Figure 9) for comparing and verifying the merchant associated with the transaction, the pre-verification criteria includes a maximum purchase price (Figure 9) for comparison and verification of the transaction; criteria include a begin and end date for comparison and verification of the transaction (Figure 9); to verify said transaction approval request if said at least one pre-verification criteria is satisfied (i.e. verifying that the transaction approval request and the pre-verification criteria are matched and satisfied)(Figure 3); to verify said transaction approval request with said account holder if said at least one pre-verification criteria is not satisfied (i.e. if pre-verification is not satisfied then contacting the customer for approval (see figure 1, 135).

With respect to the newly added limitation of an account-holder communication module operative to enable the account-holder to said pre-verification condition, so that said account-holder can specify the circumstances when account-holder verification is not needed (i.e. the account holder John Smith specifies that on transactions less than 100, no verification is needed)(see Figure 3)

#### **Response to Arguments**

4. Applicant argues that Blonder doesn't teach that if a pre-verification condition is

satisfied, the transaction need not be verified by the account holder. Thus if a particular merchant code is used as a pre-verification condition all transactions from that merchant are pre-verified without requiring account-holder verification. The Examiner disagrees with Applicant because in Blonder as shown in Figure 3, record # 3 of Blonder merchant codes MC=1234 and MC=4567 are pre-verified and therefore the account holder is not required to verify the transactions amounts for these merchants if less than 4 transactions per day are performed.

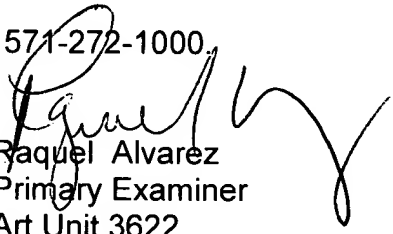
**Point of contact**

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raquel Alvarez whose telephone number is (571)272-6715. The examiner can normally be reached on 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric w. Stamber can be reached on (571)272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Raquel Alvarez  
Primary Examiner  
Art Unit 3622

R.A.  
4/18/2007